

# UTILITY PATENT APPLICATION TRANSMITTAL

Submit an original and a duplicate for fee processing  
(Only for new nonprovisional applications under 37 CFR 1.53(b))

## ADDRESS TO:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Attorney Docket No. 04-051  
First Named Inventor Brian T. Cunningham  
Express Mail No. ER 389544962 US

## APPLICATION ELEMENTS

1. ☒ Transmittal Form with Fee
2. ☒ Specification (including claims and abstract) [Total Pages 38]
3. ☒ Drawings [Total Sheets 14]
4. ☒ Oath or Declaration [Total Pages 2]
  - a. ☒ Newly executed
  - b. ☐ Copy from prior application

**[Note Boxes 5 and 18 below]**

  - i. ☐ Deletion of Inventor(s) Signed statement attached deleting inventor(s) named in the prior application
5. ☐ Incorporation by Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ Computer Code Listing (See 1.96)
  - a. ☐ Microfiche Appendix
  - b. ☐ CD-Rom (in duplicate, with separate transmittal)
7. ☐ Nucleotide and/or Amino Acid Sequence Submission
  - a. ☐ Computer Readable Copy
  - b. ☐ Paper Copy
  - c. ☐ Statement verifying above copies
8. ☒ Small Entity Status
  - ☒ is claimed
  - ☐ Statement filed in prior application; status still proper and desired
  - ☐ is no longer claimed.

## ACCOMPANYING APPLICATION PARTS

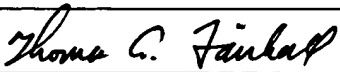
9. ☒ Assignment Papers
10. ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)
  - ☐ PTO-1449 Form
  - ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
16. ☒ A Request for non-publication pursuant to 35 U.S.C. § 122(b)(2)(B)(i)
17. ☐ Other:

18. ☐ This is a CONTINUING APPLICATION. Please note the following:

- a. ☐ This is a ☐ Continuation ☐ Divisional ☐ Continuation-in-part of prior U.S. Patent Application Serial No..
- b. ☐ Cancel in this application original claims of the prior application before calculating the filing fee. (At least one claim must remain.)
- c. ☐ Amend the specification by inserting before the first line the sentence:  
This is a ☐ continuation ☐ divisional ☐ continuation-in-part of application Serial No.
- d. ☐ The prior application is assigned of record to

## UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. 04-051

APPLICATION FEES				
BASIC FEE				\$ 770.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	19 -20 =	0	x \$18.00	\$ 0
Independent Claims	2 - 3 =	0	x \$86.00	\$ 0
<input type="checkbox"/> Multiple Dependent Claims(s) if applicable			+ \$290.00	\$
Total of above calculations =				\$ 770
Reduction by 50% for filing by small entity =				\$(385.00)
<input checked="" type="checkbox"/> Assignment fee if applicable			+ \$40.00	\$ 40
TOTAL =				\$ <b>425</b>
19. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 13-2490 in the amount of \$ 425.00				
20. <input type="checkbox"/> A check in the amount of \$ is enclosed.				
21. The Commissioner is hereby authorized to credit overpayments or charge any additional fees of the following types to Deposit Account No. 13-2490:				
a.	<input checked="" type="checkbox"/>	Fees required under 37 CFR 1.16.		
b.	<input checked="" type="checkbox"/>	Fees required under 37 CFR 1.17.		
c.	<input checked="" type="checkbox"/>	Fees required under 37 CFR 1.18.		
22. The Commissioner is hereby generally authorized under 37 CFR 1.136(a)(3) to treat any future reply in this or any related application filed pursuant to 37 CFR 1.53 requiring an extension of time as incorporating a request therefor, and the Commissioner is hereby specifically authorized to charge Deposit Account No. 13-2490 for any fee that may be due in connection with such a request for an extension of time.				
23. CERTIFICATE OF MAILING				
I hereby certify that, under 37 CFR § 1.10, I directed that the correspondence identified above be deposited with the United States Postal Service as "Express Mail Post Office to Addressee," addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date indicated below.				
24. USPTO CUSTOMER NUMBER				
20306				
McDonnell Boehnen Hulbert & Berghoff				
25. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED				
Name	Thomas A. Fairhall			
Reg. No.	34,591			
Signature				
Date	March <sup>29</sup> <del>28</del> , 2004			

UTIL (Rev. 11/21/00)

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
(Case No. 04-051)

In re Application of: )  
 )  
Brian T. Cunningham )  
 )  
Serial No.: TBD )  
 )  
Filed: herewith )  
 )  
For: Photonic Crystal Defect Cavity Biosensor )

**NONPUBLICATION REQUEST PURSUANT TO 35 U.S.C. § 122(b)  
and 37 C.F.R. § 1.213**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Dear Sir:

The applicant hereby requests that the above-identified application filed herewith not be published under 35 U.S.C. § 122(b). This request is being submitted upon the filing of the above-referenced application.

The applicant hereby certifies that the invention disclosed in this application has not been and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

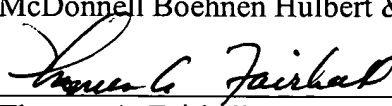
This certification and request for not publishing the application is made without prejudice to the invocation of the rescission provisions of 37 C.F.R. § 1.213(b).

Respectfully Submitted,

McDonnell Boehnen Hulbert & Berghoff

Date: March 29, 2004

By:

  
\_\_\_\_\_  
Thomas A. Fairhall  
Reg. No. 34,591